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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,510	09/23/2005	Norifumi Kikkawa	09812.0142	3015

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EXAMINER	
CHAO, MICHAEL W	

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2442	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/550,510	KIKKAWA ET AL.	
	Examiner	Art Unit	
	Michael Chao	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19,20,22,23,25,26,28,29,31 and 32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19, 20, 22, 23, 25, 26, 28, 29, 31, 32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is in response to applicant's arguments filed 3/18/2010, which was in response to USPTO Office Action mailed 11/18/2009.

Claims 19, 20, 22, 23, 25, 26, 28, 29, 31 and 32 are pending.

Response to Arguments

Applicant's arguments filed 3/18/2010 have been fully considered but they are not persuasive.

Applicant's argument (pages 14 and 15) that Yamada does not teach "a content request [that] contains a partial playback identifier indicating that playback of only a desired portion of the content is requested" of claims 25 and 29, is not persuasive.

Yamada teaches a system which allows the editing of a video file (Figure 2 items 206 and 207) and also playback of the edits (Figure 2 items 209 and 210) where the user can further begin playback from a particular scene in an edited video file (Figure 2 items 212 and 213). This is described in the specification on columns 9 and 10.

"In step 209, the title display section reads the title file from the index storing section, and causes the display section to display the readout index titles. . .

In step 210 the title selecting section selects one of the titles displayed by the display section in accordance with a user's instruction. . .

In step 211, the index display section causes the display section to display a list of representative frames of the index corresponding to the title selected in step 210.

In step 212, the representative frame selection section selects one of the representative frames displayed in the step 211 in accordance with a user's instruction entered through the input section.

In step 213, the playback section successively plays the consecutive scenes of the designated index in order of the scene number, so that the playback starts with the representative frame selected in step 212. . .

According to the above steps 211 to 213, the playback operation starts from the representative frame selected by the user. However, it is possible to omit the step of selecting the representative frame of scene. In this case, after one preferable title is selected in step 210, it is preferable to successively play all of the scenes from the head of the index corresponding to the selected title"

This is further illustrated in reference to Figure 7 (column 10 of the specification): "the user may select the index titled '1 year-old Birthday (auto-produced)' which is automatically produced based on a 20-minute video data. In this case, all the scenes of the 20-minute video data are played from the beginning, as shown by a section 701 in FIG. 7. When the user selects the index titled '1 year-old Birthday (abstract)' which is an abstract collecting the important scenes, only the selected important portions are played back as shown by sections 702 to 704 in FIG. 7."

(note that this is a client server system as shown in column 10 line 55)

Therefore Yamada teaches a system which may request partial playback ('1 year-old Birthday (abstract)' OR step 213) or full playback ('1 year-old Birthday (auto-produced)' OR step 213 where the first scene is selected) of desired portions, as

claimed: "a content request [that] contains a partial playback identifier indicating that playback of only a desired portion of the content is requested".

Therefore, Applicant's argument must be that the data of the 'content request' containing a 'partial playback identifier' has a particular structure, which Applicant asserts is not taught by Yamada. This is an unclaimed feature, and is therefore an unpersuasive argument.

Applicant's argument (pages 15 and 16) that Yamada does not teach a graphical user interface configured to receive input from the user for "editing the index information to modify the identification of the portion of the content to be played back" of claim 29, is not persuasive. Yamada explicitly recites that he contemplates "a plurality of and various indices from the same video data and also becomes possible to give a title to each produced index. For example, it becomes possible to edit a new index . . ." (Column 9 line 25) where this is done through a user interface (column 8 line 28 and column 9 line 16) (see also index editing section 106). Therefore, Yamada teaches the claimed lacking elements, Applicant's argument is not persuasive.

Applicant's further arguments depend on those addressed and are not persuasive for the reasons stated.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 31 and 32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 31 and 32 recite a "computer readable storage medium". Broadly interpreted a computer readable storage medium may include transitory storage mediums such as a transmission line storing a propagating signal. A transitory medium is not patentable subject matter, see In re Nuijten, 500 F3d 1346, 84 USPQ2d 1495 (2007). The examiner suggests rewording to explicitly exclude transitory media such as "non-transitory" or "non-transmissible" media.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 22 and 28 as amended now appear to recite access permissions. This is ambiguous for two reasons. (1) In common use, the operation of setting permissions is performed by an operator on a file system (e.g. Applicants specification page 40 line 5): a user would set the permissions for a file while a system would inform or otherwise display a users file permissions to a user. Therefore, information transmitted to a client which sets permissions appears to be seperate and distinct from access permissions. (2) The depended upon claims do not recite rewriting, addition nor deletion of property information; therefore claim 22 appears to be further limiting in that it requires those

operations to be available to the user rather than requiring access permissions. A reasonable interpretation would be that the 'editable property information includes information (assumedly for display) which allows at least one of rewriting, addition, and deletion of elements of the property information.

It is suggested the claim be reworded "wherein the editable property information includes access permissions for at least one of rewriting, addition, and deletion of elements of the property information."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19, 23, 25, 29, 31 and 32 rejected under 35 U.S.C. 102(b) as being anticipated by Yamada (US 6,370,316).

With respect to claim 19, 25, 31, Yamada teaches:

An information processing apparatus for executing content transmission, comprising:

a storage unit which stores content and property information associated with the content; ("A data storing section 113 consists of the video data storing section 101 and the index storing section 103" Yamada column 7 line 10)

a data transmitting/receiving unit which executes data transmission and reception with a client as a content information requesting device; and ("FIG. 8 shows a server/client type moving picture retrieving system" Yamada column 10 line 55)

a content information generating unit which generates content information, the content information comprising content and editable property information associated with the content, and which transmits the content information to the client; and ("it is checked whether the user intends to produce an index. . . . the user performs the retrieving operation by using the presently available indices" Yamada column 7 line 35)

a content extracting unit which, in response to a content request from the client, acquires requested content from the storage unit, ("it becomes possible to perform the playback operation by connecting only necessary scenes of video data by editing the indices array the necessary scenes." Yamada column 11 line 20)

wherein the property information includes index information identifying a partial content region of the content, and ("the scene producing section 102 produces a file summarizing the obtained data, i.e., start/end times of each scene, scene number, file name of a representative frame of scene, and video file name of each scene. . . .(i.e. index file 122)" Yamada column 7 line 62)

the content extracting unit is configured to:

determine whether the content request from the client contains a partial playback identifier indicating that playback of only a desired portion of the content is requested;

when it is determined that the content request contains the partial playback identifier:

extract, of the content, only the partial content region of the content identified by the index information on from the storage unit; and

transmit, of the content, only the extracted partial content region to the client ("it becomes possible to perform the playback operation by connecting only necessary scenes of video data by editing the indices array the necessary scenes." Yamada column 11 line 20) ("the user may select the index titled '1 year-old Birthday (auto-produced)' which is automatically produced based on a 20-minute video data. In this case, all **the scenes of the 20-minute video data are played from the beginning**, as shown by a section 701 in FIG. 7. When the user selects the index titled '1 year-old Birthday (abstract)' which is an abstract collecting the important scenes, **only the selected important portions are played back as shown by sections** 702 to 704 in FIG. 7." Yamada Column 10 line 27)

when it is determined that the content request does not contain a partial playback identifier:

extract the content in its entirety from the storage unit based on the index information; and

transmit the content in its entirety to the client. (Yamada Column 10 line 27)

With respect to claims 23, 29, 32, Yamada teaches: An information processing apparatus for performing acquiring content, comprising:

a data transmitting/receiving unit which executes data transmission and reception with a server storing the content; (See Yamada figure 8 items 803)

a content requesting unit which generates, and sends to the server content request data including partial content playback information; ("it is checked whether the user intends to produce an index. . . . the user performs the retrieving operation by using the presently available indices" Yamada column 7 line 35)

a content playback control unit which controlls playback of partial content received from the server through the data transmitting/receiving unit; ("it is also possible to select an index titled "sports even result" to selectively watch the news of a specific theme." Yamada column 11 line 10)

a content information analyzing unit which analyzes property information corresponding to the content received from the server which generates a graphical user interface, the property information including index information identifying a partial content region of the received content to be played back; and (See Yamada Figures 2-5)

a display unit which displays the graphical user interface, the graphical user interface comprising a graphical representation of a playlist for the received content and of the property information corresponding to the received content, ("an index display section causes the display section to display the representative frame of the designated index corresponding to the title selected by the title selection section. A representative

frame selection section selects one of the representative frames displayed on the display section in response to a user's instruction." Yamada column 7 line 1)

wherein the graphical user interface is configured to receive user input for editing the index information to modify the identification of the partial content region of the received content to be played back, and ("In step 204, the scene producing section 102 produces a file summarizing the obtained data, i.e., start/end times of each scene, scene number, file name . . ." Yamada column 7 line 64; Also "the index editing section edits the index in accordance with the user's instructions and produces a new index" column 8 line 35)

the content playback control unit is configured to playback the content baed on the edited index information such that only the modified identified portion of the partial content region is played back. ("When the user selects the index titled '1 year-old Birthday (abstract)' which is an abstract collecting the important scenes, **only the selected important portions are played back as shown by sections** 702 to 704 in FIG. 7." Yamada Column 10 line 27)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 20, 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada.

Regarding claims 20, 26, Yamada teaches: wherein: the index information includes:

index-start-position information representing, as start-position information of the partial content data, information of a time or a data amount from the start of the content; and

index-region information, as region information of the partial content data; and ("i.e., start/end times of each scene. . . .(i.e. index file 122)" Yamada column 7 line 62)

the content extracting unit is configured to execute acquiring partial content data specified by the index-start-position information and the index-region information. ("it becomes possible to perform the playback operation by connecting only necessary scenes of video data by editing the indices array the necessary scenes." Yamada column 11 line 20).

Yamada does not explicitly disclose that the index-region information is "representing a time or data amount from the index-start position"; however start and stop times are essentially identical where if you have a start and stop time you can compute the time between the start and stop time. It is therefore an obvious alternative to use the segment length rather than the start and stop times to denote the index-region.

Claims 22, 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Official Notice.

Regarding claims 22, 28, Yamada teaches: wherein the editable property information includes information which sets permission of at least one of rewriting, addition, and deletion of elements of the property information. ("The user's instruction includes the change of scene number, division of scene, joint of scenes, deletion of scene, and change of the representative frame of scene." Yamada column 6 line 60). Yamada does not teach access permissions. File access permissions are commonly known, for instance UNIX file permissions have read, write, and execute for a file. Official Notice is taken thereof. A person of ordinary skill in the art at the time of invention would have modified Yamada by including permissions for read and write by including data with the file to inform the user what operations he may perform on a file. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify Yamada to prevent unscrupulous persons from obtaining unlimited access to the file system and/or to prevent unintended operations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Chao whose telephone number is (571)270-5657. The examiner can normally be reached on 8-4 Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Lee can be reached on (571)272-3967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. C./
Examiner, Art Unit 2442

/Philip C Lee/
Primary Examiner, Art Unit 2448